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August 15, 2018

The Honorable J. Paul Oetken  
United States District Judge  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Ricardo Jimenez v. Harold Graham*  
11-CV-6468 (JPO)

Your Honor:

Along with Rosemary Herbert, I represent Petitioner Ricardo Jimenez on a motion to vacate his conviction, filed in Supreme Court, Bronx County pursuant to N.Y. Crim. Proc. Law § 440.10. By order filed on December 14, 2011, you stayed proceedings on Mr. Jimenez's *pro se* habeas petition, pending resolution of the state court proceedings.

Per the Order of this Court on January 22, 2018, I am writing to update the Court on the status of the state court proceedings. After a hearing ordered by the Appellate Division, First Department into one of Mr. Jimenez's *Brady* claims, the Supreme Court, Bronx County (Torres, J.), issued a decision, dated June 29, 2018, finding that "there was no *quid pro quo* agreement between the Bronx prosecutor's office and Mr. O'Brien and/or the federal prosecutor," and "no *Brady* violation concerning the understanding between the Bronx prosecutor and Mr. O'Brien and/or the federal prosecutor."

Mr. Jimenez has filed a motion with the Appellate Division, First Department, seeking review of that court's decision. The current return date for that motion is September 14, 2018. The parties will provide an update after the Appellate Division issues a decision on this motion.

Sincerely,

Anastasia Heeger  
Supervising Attorney

cc: ADA Noah Chamoy  
Office of the District Attorney, Bronx County

Ricardo Jimenez  
Sullivan Correctional Facility